

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Benjamin Chain et al.

Application No.: 09/731,899

Confirmation No.: 1183

Filed: December 8, 2000

Art Unit: 1645

For: **CHIMERIC PEPTIDES AS IMMUNOGENS,
ANTIBODIES THERETO, AND METHODS
FOR IMMUNIZATION USING CHIMERIC
PEPTIDES OR ANTIBODIES**

AMENDMENT UNDER 37 C.F.R. §41.33

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an Amendment After Appeal for the above-identified application. A Notice of Appeal of the Final Rejection mailed on April 29, 2008 and a Request for a Pre-Appeal Brief Conference were filed on October 29, 2008. A Notice of Panel Decision from Pre-Appeal Brief Review that was mailed on December 17, 2008 indicated that the appeal was to proceed to the Board of Patent Appeals and Interferences.

An Appeal Brief was due on January 17, 2009. Because Jan. 17 was a Saturday, the deadline to file the Appeal Brief is extended to the next business day that is not a holiday. Monday, January 19, 2009 was Martin Luther King Day. Tuesday, January 20, 2009 was declared a holiday in the District of Columbia. Accordingly, the deadline to file the Appeal Brief is extended to Wednesday, January 21, 2009.

The Appeal Brief due on January 21, 2009 has not been filed.

The present Amendment is submitted subsequent to a telephonic interview conducted with the Examiner on December 29, 2008. Pursuant to the interview, the present Amendment is believed to overcome all pending rejections. No new claims have been added. Entry of the Amendment is respectfully requested.

No fee is believed due. The Commissioner is authorized to charge any fee that is determined to be required for entry of this Amendment to Darby & Darby deposit account no. 04-0100.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 8 of this paper.